

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In Re:

Bankruptcy No. 09-32106 GFK
Chapter 7

Kevin A. Dahl,

Debtor.

Nauni Manty, Trustee
of the Bankruptcy Estate of
Kevin A. Dahl,

Adversary No.

Plaintiff,

COMPLAINT

vs.

Kevin A. Dahl,

Defendant.

Plaintiff Nauni Manty for her complaint against the Defendant, Kevin A. Dahl, states and alleges as follows:

1. Plaintiff is the duly appointed trustee of the referenced chapter 7 bankruptcy estate.
2. Defendant, Kevin A. Dahl, is an individual residing at 18698 Kanabec Court, Lakeville, Dakota County, Minnesota 55044.
3. An involuntary petition for relief under Chapter 7 of the United States Bankruptcy Code was filed on March 31, 2009. The case is currently pending in this court. This court has jurisdiction of this adversary proceeding pursuant to 28 U.S.C. § 1334 and Bankruptcy Rule 7001 et. seq. This is a core proceeding pursuant to 28 U.S.C. § 157.
4. The date set for a § 341 meeting of creditors was July 7, 2009. The Defendant failed to appear at the § 341 meeting held on July 7, 2009. The meeting of creditors was not concluded.

5. On or about August 4, 2009, the trustee applied to this court for a 2004 examination of the Defendant in order to obtain testimony and information concerning the Defendant's financial affairs.

6. Pursuant to an order of this court, dated August 6, 2009, the Defendant was ordered to appear in person at the date, time, and place fixed for the adjourned meeting of creditors. A copy of the August 6, 2009 order is attached as Exhibit A.

7. Pursuant to an order of this court, dated August 11, 2009, the Defendant was ordered to appear at a reasonable time and place for examination pursuant to Bankr. R. 2004 to answer the questions of the trustee and to produce documents in connection with any examination. A copy of the August 11, 2009 order is attached as Exhibit B.

8. Pursuant to a subpoena, dated November 23, 2009, the Defendant was commanded to appear at the trustee's office located at Manty & Associates, P.A., 510 First Avenue North, Suite 305, Minneapolis, MN 55403 on Tuesday, December 22, 2009, at 10:00 a.m. A copy of the subpoena is attached as Exhibit C. The trustee sent out notice of the 2004 examination and personally served the notice, subpoena and order upon the Defendant. A copy of the notice is attached as Exhibit D. A copy of the affidavit of service is attached as Exhibit E. The Defendant left a message indicating he was not appearing for the December 22, 2009 exam.

9. The trustee rescheduled the 2004 examination and gave notice. A copy of the trustee's letter is attached as Exhibit F. The examination was continued to January 12, 2010 at 9:00 a.m. The Defendant failed to appear or otherwise respond.

COUNT I

10. The Plaintiff realleges and incorporates the allegations contained in paragraphs 1 through 9.

11. The debtor has refused to obey lawful orders of this court dated August 6, 2009 and August 11, 2009, ordering the debtor to appear for a meeting of creditors and ordering the debtor to appear for a 2004 examination, respectively. The debtor has refused to obey lawful subpoena of this court dated November 23, 2009, by failing to appear as commanded in violation of 11 U.S.C. § 727(a)(6)(A).

12. Pursuant to the provisions of U.S.C. § 727(a)(6)(A), the debtor is not entitled to a discharge in this case.

COUNT II

13. The Plaintiff realleges and incorporates the allegations contained in paragraphs 1 through 12.

14. The debtor has refused, on a ground other than the properly invoked privilege against self-incrimination, to testify, by failing to appear at his § 341 meeting of creditors, by failing to appear at his 2004 examination scheduled for December 22, 2009, and by failing to appear at his 2004 examination scheduled for January 12, 2010 as commanded in violation of 11 U.S.C. § 727(a)(6)(C).

15. Pursuant to the provisions of 11 U.S.C. § 727(a)(6)(C), debtor is not entitled to a discharge in this case.

WHEREFORE, Plaintiff Nauni Manty, trustee of the bankruptcy estate of Kevin A. Dahl, prays for judgment as follows:

1. Denying the debtor Kevin A. Dahl a discharge in this bankruptcy case pursuant to the

provisions of 11 U.S.C. § 727(a)(6)(A) and 11 U.S.C. § 727(a)(6)(C); and

2. Granting such other and further relief as the court deems just and equitable.

DATED: January 20, 2010.

MANTY & ASSOCIATES, P.A.

/s/ Jacqueline Kuiper
Jacqueline Kuiper (389387)
Nauni Manty (230352)
510 First Avenue North, Suite 305
Minneapolis, MN 55403
Tel: (612) 465-0909
Attorneys for Plaintiff

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

Kevin A. Dahl

Debtor(s)

Case No: 09-32106 – GFK

Chapter 7 Case

**ORDER DEFERRING DISCHARGE
AND FOR DEBTORS TO APPEAR AT CREDITORS MEETING**

Pursuant to Local Rule 2003-1, the trustee has filed a notice that the meeting of creditors in this case was not concluded on the date scheduled.

IT IS THEREFORE ORDERED:

1. The debtor(s) and the attorney for the debtor(s) shall appear in person at the date, time, and place fixed for the adjourned meeting of creditors as set by the trustee.
2. The time for serving and filing of objections to claims of exemption is extended in accordance with Rule 4003(b) F.R.Bkr.P.
3. Pursuant to Local Rule 4004-3, entry of an order granting a discharge to the debtor(s) is deferred.
4. The trustee shall file a report immediately after the conclusion of the meeting of creditors.
5. The clerk shall provide this order as notice to the debtor(s), the attorney for the debtor(s), the trustee, and the United States Trustee.

Dated: 8/6/09

Gregory F Kishel
United States Bankruptcy Judge

NOTICE OF ENTRY AND FILING ORDER OR JUDGMENT Filed and docket entry made on August 6, 2009 Lori Vosejka Clerk, United States Bankruptcy Court By: jen Deputy Clerk

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

Kevin A. Dahl,

Debtor.

BKY 09-32106 GFK
Chapter 7

ORDER FOR 2004 EXAMINATION

This matter came before the Court upon the Application of the Chapter 7 Trustee, Nauni Jo Manty (the "Trustee"), for an Order for Rule 2004 Examinations of the the Debtor Kevin A. Dahl; the Debtor's wife, Holly K. Dahl; the Debtor's mother, Ruth Dahl; JPK Aspen Partners 2, Nisswa Senior Land, LLC; Monticello Senior Land, LLC; Willmar Senior Land, LLC; Dahl Senior Housing Associates; Dahl Financial and Consulting Services; Principal Group; Mercedes Benz Finance; Nissan Motor Acceptance Company; Wells Fargo Home Mortgage, Inc., American Express; Bank of America; Capital One; First National Bank of Northfield; Voyager Bank; Crown Bank; Anchor Bank; and Community Bank of Colorado. Based upon the Application filed by the Trustee and all of the files and records herein,

IT IS HEREBY ORDERED: the Debtor Kevin A. Dahl; the Debtor's wife, Holly K. Dahl; the Debtor's mother, Ruth Dahl; JPK Aspen Partners 2, Nisswa Senior Land, LLC; Monticello Senior Land, LLC; Willmar Senior Land, LLC; Dahl Senior Housing Associates; Dahl Financial and Consulting Services; Principal Group; Mercedes Benz Finance; Nissan Motor Acceptance Company; Wells Fargo Home Mortgage, Inc., American Express; Bank of America; Capital One; First National Bank of Northfield; Voyager Bank; Crown Bank; Anchor Bank; and

Community Bank of Colorado shall appear at a reasonable time and place to be designated by the Trustee, for examination pursuant to Bankruptcy Rule 2004 to answer the questions of the Trustee, her counsel, and other parties in interest and/or shall produce documents in connection with any examination.

Dated: August 11, 2009

BY THE COURT:

/s/ Gregory F. Kishel

Gregory F. Kishel
United States Bankruptcy Judge

NOTICE OF ELECTRONIC ENTRY AND FILING ORDER OR JUDGMENT Filed and Docket Entry made on 08/11/2009 Lori Vosejka, Clerk, By s/jr, Deputy Clerk
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UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

Chapter 7
BKY 09-32106 GFK

Kevin A. Dahl,

**SUBPOENA IN A CASE UNDER
THE BANKRUPTCY CODE**

Debtor.

To: Kevin A. Dahl, 18698 Kanabec Court, Lakeville, MN 55044:

☐ YOU ARE COMMANDED to appear in the United States Bankruptcy Court at the place, date, and time specified below to testify in the above case.

PLACE	COURTROOM
	DATE AND TIME

☒ YOU ARE COMMANDED to appear at the place, date and time specified below to testify at the taking of a deposition in the above case

PLACE Manty & Associates, P.A., 510 First Avenue North, Suite 305, Minneapolis, MN 55403	DATE AND TIME Tuesday, December 22, 2009, at 10:00 a.m.
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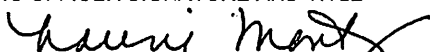
☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date and time specified below (list documents or objects): **See attached Exhibit A.**

PLACE Manty & Associates, P.A., 510 First Avenue North, Suite 305, Minneapolis, MN 55403	DATE AND TIME December 22, 2009 9:00 a.m.
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☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
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Any subpoenaed organization not a party to this adversary proceeding shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify, Fed.R.Civ.P. 30(b)(6) made applicable to this proceeding by Rule 7030, Fed.R.Bankr.P. See Rules 1018 and 9014, Fed.R.Bankr.P.

ISSUING OFFICER SIGNATURE AND TITLE 	DATE 11/23/09
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ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Nauri J. Manty (#230352) 510 First Avenue North, Suite 305, Minneapolis, MN 55403 (612) 340-7950
Attorneys for Trustee

Documents to be Produced by Kevin A. Dahl Pursuant to Subpoena in Bankruptcy File # BKY 09-32106.

- 1. A. All bank records, correspondence, checks, deposit slips, invoices, receipts, documentation that evidences where the loan money advanced by Amy Starita, Lake Area Bank, First National Bank of Northfield, and Voyager Bank to Kevin A. Dahl, or to any business entity in which Kevin A. Dahl had any interest, was applied or spent, and**
 - B. All such documentation that in any manner traces such loan money to its present location.**
- 2. All check registers, checks, deposit slips, and bank statements from January 1, 2004 to the present pertaining to any bank account in which Kevin Dahl had any interest.**
- 3. All check registers, checks, deposit slips, and bank statements pertaining to the time period January 1, 2004 to the present of any business entity in which Kevin Dahl had any interest.**
- 4. All check registers, checks, deposit slips, and bank statements pertaining to the time period January 1, 2004 to the present of the following business entities: Lakeville Senior Land; Lakeville Senior Land, LLC, a Minnesota limited liability company, Dahl Financial & Consulting Services; Dahl Financial & Consulting Services, LLC, a Minnesota limited liability company, Nisswa Senior Land; Nisswa Senior Land, LLC, a Minnesota limited liability company, Willmar Senior Land; Willmar Senior Land, LLC, a Minnesota limited liability company, Monticello Senior Housing; and Monticello Senior Housing, LLC, a Minnesota limited liability company.**
- 5. All financial statements prepared on behalf of Kevin Dahl from January 1, 2004 to the present.**
- 6. All financial statements prepared on behalf of any business entity in which Kevin Dahl had any interest from January 1, 2004 to the present.**
- 7. All real estate documents pertaining to any purchase, sale, option, or financing transaction, including but not limited to, all deeds, mortgages, deeds of trust, promissory notes, closing statements, contract for deeds, purchase agreements, and options, pertaining to any real estate or land transaction in which Kevin Dahl, or in which any business entity in which Kevin Dahl had any ownership interest in, was involved during the time period January 1, 2004 to the present.**
- 8. All documentation, including but not limited to, correspondence, notations, checks, money orders, deeds, mortgages, notes and other writings, which refer to**

or evidence the transfer of any asset from Kevin Dahl to Kevin Dahl's spouse, children, or issue during the time period January 1, 2004 to the present.

9. All documentation, including but not limited to, correspondence, notations, checks, money orders, deeds, mortgages, notes and other writings, which refer to or evidence the transfer of any asset by any business entity in which Kevin Dahl had any interest to Kevin Dahl's spouse, children, or issue during the time period January 1, 2004 to the present.
10. All articles of organization, certificates of organization, member control agreements, operating agreements, minutes, written actions in lieu of minutes, and certificates evidencing membership interests in any limited liability company in which Kevin Dahl had any interest during the time period January 1, 2004 to the present.
11. All articles of incorporation, certificates of incorporation, shareholder agreements, by-laws, minutes, written actions in lieu of minutes, and stock certificates of any corporation in which Kevin Dahl had any interest during the time period January 1, 2004 to the present.
12. All partnership agreements and minutes (or their equivalency) of all partnerships in which Kevin Dahl had any interest during the time period January 1, 2004 to the present.
13. Any and all account statements regarding Silvercrest of New York.
14. All documents evidencing the formation of or the minutes (or their equivalency) of any other business entity not referred to above in which Kevin Dahl had any interest during the time period January 1, 2004 to the present.

EXHIBIT A

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

Kevin A. Dahl,

Debtor.

BKY 09-32106 GFK
Chapter 7

NOTICE OF 2004 EXAMINATION

TO: Kevin A. Dahl; the United States Trustee; and other parties in interest:

PLEASE TAKE NOTICE that pursuant to the Court's August 11, 2009, Order For 2004 Examination Pursuant to Fed. R. Bankr. P. 2004 attached hereto, the Rule 2004 examination of Kevin A. Dahl will be taken December 22, 2009, at 510 First Avenue North, Suite 305, Minneapolis, MN 55403, at 10:00 a.m., and thereafter by adjournment until the same shall be completed.

Dated: December 4, 2009

MANTY & ASSOCIATES, P.A.

By: /e/Nauni Jo Manty
Nauni Jo Manty (#230352)
510 First Avenue North, Suite 305
Minneapolis, MN 55403
(612) 340-7950

ATTORNEYS FOR NAUNI J. MANTY,
CHAPTER 7 TRUSTEE

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

Kevin A. Dahl,

Debtor.

BKY 09-32106 GFK
Chapter 7

UNSWORN CERTIFICATE OF SERVICE

I, Nancy Jaeckels, declare under penalty of perjury that on December 4, 2009, I served copies of the attached *Subpoena and Notice of 2004 Examination of Kevin A. Dahl*, to the following parties:

Kevin A. Dahl 18698 Kanabec Court Lakeville, MN 55044 <i>Via Hand Delivery</i>	Mary L. Cox Stein & Moore PA 332 Minnesota Street, Suite W-1650 St. Paul, MN 55101 mcox@steinmoore.com	Mary Jo A. Jensen-Carter Buckley & Jensen 1257 Gun Club Road White Bear Lake, MN 55110 maryjo@buckleyjensen.com
United States Trustee 1015 U.S. Courthouse 300 South Fourth Street Minneapolis, MN 55415	R. Glenn Nord R Glenn Nord & Associates 20686 Holyoke Ave PO Box 427 Lakeville, MN 55044 rgnord@juno.com	T. Chris Stewart Anastasi & Associates, P.A. 14985 60 th Street North Stillwater, MN 55082

Executed on: December 4, 2009

Signed: /e/Nancy Jaeckels

Nancy Jaeckels
Manty & Associates, P.A.
510 First Avenue North, Suite 305
Minneapolis, MN 55403

Affidavit of Service

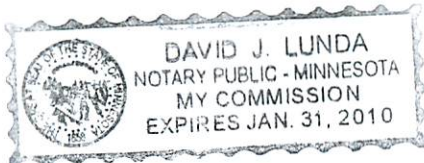
STATE OF MINNESOTA
COUNTY OF Ramsey

Ct. File No. BKY 09-32106

David Anderson, Being duly sworn, on oath says: that on the 18th day of December, 2009 at 4:15pm he served the following: Notice of Taking Deposition; Subpoena in a Case Under the Bankruptcy Code; Notice of 2004 Exam; Certificate of Service on Kevin A. Dahl therein named, personally at 18698 Kanabec Court, Lakeville, County of Dakota, State of Minnesota, by handing to and leaving with Kevin A. Dahl a true and correct copy thereof.

Subscribed and Sworn to Before Me this

28th Day of December, 2009



Affidavit of Service

STATE OF MINNESOTA
COUNTY OF Ramsey

Ct. File No. BKY 09-32106

David Anderson, Being duly sworn, on oath says: that on the 18th day of December, 2009 at 4:15pm he served the following: Notice of Taking Deposition; Subpoena in a Case Under the Bankruptcy Code; Notice of 2004 Exam; Certificate of Service on Kevin A. Dahl therein named, personally at 18698 Kanabec Court, Lakeville, County of Dakota, State of Minnesota, by handing to and leaving with Kevin A. Dahl a true and correct copy thereof.

Subscribed and Sworn to Before Me this

12th Day of January, 2010

Ruth Ann Elizabeth Lunda





Nauni Jo Manty
(612) 340-7950
nauni@mantlylaw.com

December 21, 2009

Mr. Kevin A. Dahl
18698 Kanabec Court
Lakeville, MN 55044

Re: Kevin A. Dahl
BKY No. 09-32106 GFK

Dear Mr. Dahl:

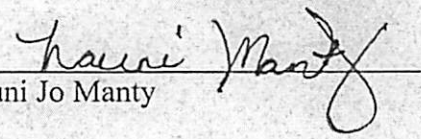
This is to follow up on your voice mail message to me of today's date. You indicated that you are not appearing tomorrow for your examination.

The documents served upon you are legal documents that command your appearance and require you to appear. However, you have requested that your examination be continued due to the upcoming holiday. Pursuant to your request, your examination and document production are continued to **Tuesday, January 12, 2010, at 9:00 a.m.** The document production is scheduled at 9:00 a.m. and your examination will commence at 10:00 a.m. The Subpoena remains in full force and effect. By continuing the document production and examination, we are not waiving any of our rights and remedies under the documents previously served upon you.

If you fail to appear on the 12th of January, I will seek the appropriate relief from the Court. If you have any questions regarding the enclosed, please do not hesitate to call me.

Very truly yours,

MANTY & ASSOCIATES, P.A.

By: 
Nauni Jo Manty

NJM/eas
Enclosures

cc: Ms. Mary Cox
Ms. Mary Jo A. Jensen-Carter
Mr. R. Glenn Nord
Mr. T. Chris Stewart

Exhibit F

VERIFICATION

I, Nauni Manty, the Plaintiff named in the foregoing complaint, declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Dated: January 20, 2010



Nauni Manty